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PROPOSED ATTORNEYS FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: §
TOP CAT READY MIX, LLC, § **CASE NO. 19-32635-hdh**
 § **Chapter 11**
Debtor. §

DEBTOR'S MOTION FOR USE OF CASH COLLATERAL

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

COMES NOW Top Cat Ready Mix, LLC the Chapter 11 Debtor in the above styled and referenced bankruptcy case (the “Debtor”), and files this its Motion for Use of Cash Collateral pursuant to 11 U.S.C. § 363 of the Bankruptcy Code and in support of same would respectfully show the following:

1. On August 5, 2019, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. The Debtor is now operating its business and managing its property as a debtor in possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code. No request has been made for the appointment of a trustee or examiner and no official committee has been appointed.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue of the Chapter 11 case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. Debtor requests the Court to enter an Interim Order for Use of Cash Collateral in substantially the form attached hereto as Exhibit “A” recognizing that the Debtor’s secured creditors and the Court may request changes to this Order.

4. Debtor has an immediate need to use the cash collateral of Newtek Small Business Finance, Inc. and Corporation Service Company (the “Secured Lenders”), the Debtor’s secured creditors that could claim liens on Debtor’s personal property including cash and accounts receivable. The Debtor can adequately protect the interests of the Secured Lenders as set forth in the proposed Interim Order for Use of Cash Collateral by providing the Secured Lenders with post-petition liens, a priority claim in the Chapter 11 bankruptcy case, and cash flow payments. The cash collateral will be used to continue the Debtor’s ongoing operations. The Debtor owns and operates two concrete plants and operates 48 ready mix trucks in Dallas, Ellis, Kaufman and Rockwall Counties, Texas, serving both commercial and residential as well as state and municipal projects. The Budget attached to the proposed Order permits the payment of ongoing operating expenses of the Debtor in order to allow the Debtor to maintain its operations in Chapter 11. The Debtor intends to rearrange its affairs and needs to continue to operate in order to pay its ongoing expenses, generate additional income and to propose a plan in this case. The Debtor’s proposed Two-Week Budget and One-Month Budget are attached hereto as Exhibit “B.” The Debtor is also requesting approval to use cash collateral to pay its pre-petition payroll set forth in a separate motion filed with the Court.

5. This is an emergency matter since the Debtor has no outside sources of funding available to it and must rely on the use of cash collateral to continue its operations.

WHEREFORE, PREMISES CONSIDERED, the Debtor respectfully requests that this Court enter an Interim Order for Use of Cash Collateral in the form attached hereto as **Exhibit A** and for such other and further relief to which the Debtor may be justly entitled.

Dated: August 7, 2019.

Respectfully submitted,

/s/ Joyce W. Lindauer
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 7, 2019, a true and correct copy of the foregoing document was served via email upon the parties on the attached service list.

/s/ Joyce W. Lindauer
Joyce W. Lindauer

SERVICE LIST

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Secured Creditors

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